

Ask A Warden

by Lt. Liz Schwall

Q: Recently, I was warned by a deputy sheriff that I was violating Fish & Game Code section 3004 by hunting with my bow too close to dwellings. I am aware that it is illegal to shoot a firearm within 150 yards of dwellings but I did not know this applied to archery equipment as well. Does it?

A: Fish & Game Code section 3004 establishes a "safety zone" of 150 yards (450 feet) of any "occupied dwelling house, residence, or other building or barn or other outbuilding used in connection therewith." The section further states that it is unlawful for any person who is not the property owner, person in possession of the property (like a lessee), or a person having express permission of the property owner to "...hunt or to discharge while hunting, any firearm or other deadly weapon..."

So what does this all mean? It means that you are free to hunt your own property, or on property where you have express permission to be, as close to your own home or barns as you like. However, it does not permit you to hunt (on your own property or with permission on someone else's property) with a firearm or other deadly weapon within 150 yards of any neighbor's house, barn, outbuilding, etc. without the neighbor's express permission.

Although the California Penal Code does not specifically define archery equipment as being a deadly weapon, clearly bows and arrows would fall under this definition as they are designed to kill game. Persons hunting with firearms or archery equipment on public lands that adjoin private lands need to be mindful of this section and maintain the 150 yard distance from homes, barns, and other outbuildings.

Q: I've recently moved to California from Oregon. I'm on active military duty, stationed in San Diego. I'm a hunter and I'd like to try hunting in California, how long do I have to reside in California before I can purchase a resident hunting license?

A: Generally, in order to purchase resident hunting license, a person must reside continually in California for 6 months prior to obtaining one. However, active military personnel are exempt from this requirement. As long as you have a hunter education certificate (from any state) or a license from another state that is either current or issued in either of the two previous years, you are free to buy a resident license.



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Q: I know we can't put out bait for bears in California, but can we use scents to attract black bears? For example, the scent of food like vanilla extract applied to foliage or the scent of food applied to a cotton ball and hung from a tree.

How about the use of commercially available scent concealers? Are they legal?

A: Section 365(e) of the California Code of Regulations, Title 14 covers this. It says: "Bait: No feed, bait or other materials capable of attracting a bear shall be placed or used for the purpose of taking or pursuing a bear. No bear shall be taken over such bait. No person may take a bear within a 400-yard radius of a garbage dump or bait."

Therefore, if a scent or attractant were used, no bear could be taken within 400 yards of it. There is no prohibition against using scent "concealers."

Q: I have a question about deer. My (non-hunting) neighbor has put out grain for the deer for years but was recently told that she is breaking the law by doing so. Feeding deer seems like a pretty innocent activity. Why is this a problem?

A: Title 14 section 251.3 addresses the issue of knowingly feeding big game mammals. The section says that "No person shall knowingly feed big game mammals..." If a complaint is received regarding someone feeding big game, usually deer, the DFG is required to warn the person first by sending them a notice (via certified mail) ordering them to stop. If the person fails to

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stop within seven days of receiving the notice, they are deemed in violation of the section.

Feeding deer does seem an innocuous activity, so why is it prohibited? It is generally the position of the DFG that wild animals should in fact remain “wild.” In our densely populated state, humans and wild animals are increasingly coming into conflict with each other. Unfortunately, many of these conflicts (often involving bears, coyotes, and deer) stem from the fact that the animals are attracted into suburban and urban neighborhoods looking for a “free lunch.” Garbage cans and pet food left outside are major attractants for both bears and coyotes. While the occasional sighting of a bear, coyote or deer in one’s garden or yard may be a welcome sight, it’s pretty clear (based on the complaints that the DFG receives), that the public quickly loses tolerance for wildlife when garbage cans are

raided, property is damaged, pets are eaten or rose bushes are uprooted. For these reasons, wild animals should be allowed and encouraged to steer clear of humans. Well meaning persons who feed them may in fact be doing them a disservice.

When a wild animal discovers a readily available food source, naturally they stay close. The longer they take the “handouts,” the less fear they have of humans. As they lose their natural survival instincts, they are far more likely to become prey to predators. Additionally, “fearless” wildlife is far more likely to be attacked by domestic dogs or loiter on highways where they are struck by cars. In most cases, wild animals are fully capable of fending for themselves, and in general, feeding by humans is neither necessary nor desirable.